



McDonnell Boehnen Hulbert & Berghoff  
Law Offices

## Fax transmittal

To	Examiner Binta Robinson	Date	8-12-02
Company	USPTO	From	Bradley W. Crawford
Fax	703 746-5018	Direct	
Phone	703 306-5437	Email	crawford@mbhb.com
Pages, with cover	5	C/M	132-540
Re	Application No 09/864,846		

Examiner Robinson-

Attached is the draft that we discussed earlier today. If at all possible, we would like to resolve this matter today.

Very truly yours,

Brad Crawford  
(312) 913-0001  
Crawford@mbhb.com

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhbm.com

Please notify receptionist at  
312 913 0001 if all pages  
are not received.  
If you received this fax in error,  
please notify us immediately by  
phone (collect) to arrange for  
return of the document.

This transmittal is strictly for  
delivery only to the person listed  
above. It may contain confidential  
or privileged information, the  
disclosure of which is prohibited.

Application/ Control Number: 09/864,846  
Art Unit: 1625

**DRAFT****DETAILED ACTION****Election/ Restrictions**

Restriction to one of the following inventions is required under 35 U.S.C. 121

- I. Claims 1-9, 11-39, 41-57 and 63-64, drawn to the compounds of claim 1 where A, B, and C are selected from I, ii, and iii, except in iii  $\text{NR}^3\text{R}^4$  does not represent heteroaryl or heterocycloalkyl, E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $\text{R}^{11}$ ,  $\text{R}^{11'}$ ,  $\text{R}^{12}$ ,  $\text{R}^{12'}$ , and  $\text{R}^{13}$  are all moieties claimed except  $\text{NR}^6\text{R}^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.
- II. Claims 1-9, 11-14, 18-21, 41-57, and 63-64 drawn to a compound of claim 1 wherein at least one of A, B, or C is  $\text{R}^3\text{R}^4\text{N}-$  where  $\text{R}^3\text{R}^4\text{N}-$  represents heteroaryl or heterocycloalkyl, E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $\text{R}^{11}$ ,  $\text{R}^{11'}$ ,  $\text{R}^{12}$ ,  $\text{R}^{12'}$ , and  $\text{R}^{13}$  are all moieties claimed except  $\text{NR}^6\text{R}^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.
- III. Claims 1, 19, 21, and 40-57 drawn to a compound of Claim 1 wherein A, B, and C are as defined, and E is a group as defined substituted with at least one heterocycloalkyl or

Application/ Control Number: 09/864,846

**DRAFT**

Art Unit: 1625

heteroaryl group; e.g. E is 3-imidazol-1-propyl, G is i, ii, iii, iv, v, or vi where  $R^{11}$ ,  $R^{11'}$ ,  $R^{12}$ ,  $R^{12'}$ , and  $R^{13}$  are all moieties claimed except  $NR^6R^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.

- IV. Claims 1-9, 11-20, 41-57, and 63-64 drawn to the compound of claim 1 where E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $R^{11}$ ,  $R^{11'}$ ,  $R^{12}$ ,  $R^{12'}$ , and  $R^{13}$  are all moieties claimed and at least one group  $NR^6R^7$  equal to heteroaryl or heterocycloalkyl is present, method for treating, pharmaceutical composition, etc.
- V. Claims 58-62 and 65 drawn to a compound where A, B, and C are as claimed. F,  $R_{20}$  and  $R_{21}$  are as claimed.
- VI. Claim 1, 10, and 41-57 drawn to the compound of claim 1 where A, B, and C are as claimed, E is as claimed, F is as claimed, G is vii (a heteroaryl group), method for treating, pharmaceutical composition, etc.
- VII Claim 1-57 and 63-64 drawn to compounds not included in any of the above groups.

Application/ Control Number: 09/864,846  
Art Unit: 1625

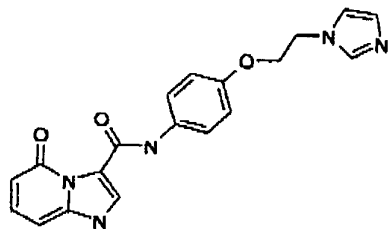
Reasons for Requesting a Replacement Restriction Requirement.

1. Claim 35 has not been placed in any group. The compound recited in Claim 35 meets the requirements set forth by the Examiner for Group I. Thus, applicants request that Claim 35 be added to Group I.

2. Claim 60 has also not been placed in any group. Applicants request that Claim 60 be included in Group V.

3. The Examiner has placed Claims 32 and 40 in Group III and defined E as imidazol-1-yl or imidazol-1-yl in this group.

Claim 32 recites this compound:



This compound is also found page 39 of the application (No. 11). Applicants request that Claim 32 be included in Group I.

4. Claim 64 depends from Claim 63. Thus if Group I includes Claim 64 it should also include Claim 63.

5. The Examiner has excluded claimed subject matter from the application. For example Group II recites that  $R^3R^4N-$  is piperazine or a 6-membered heterocycloalkyl ring with 4 carbon and 2 nitrogen atoms. The definition of  $R^3R^4N-$  in claim 1 includes  $R^3R^4N-$  being defined as heteroaryl or heterocycloalkyl. The full definition of  $R^3R^4N-$  is not restored in any of the other

Application/ Control Number: 09/864,846  
Art Unit: 1625

groups set forth by the Examiner. If the Examiner wishes to reject claims for this definition of  $R^3R^4N-$  an action on the merits with the reasons for rejection is requested. A similar situation is present for "E" in Group III.

6. Group II requires that all three of A, B, and C are simultaneously  $R^3R^4N-$ . Applicants believe that the Examiner meant to require **one** of A, B, and C to be  $R^3R^4N-$ .

7. Group IV excludes hydrogen from the definition of A, B, and C.

8. Group I, II, and III permit the variable G to have the definitions i, ii, iii, iv, v, or vi but exclude the definition vii. This is restored in proposed Group VI.